The Meeting was called to order at 5:30 p.m. Present: Council Chair Spatz; Council Members: Camp, Cook, Emery, Hornung, Snyder; City Clerk, Joan E. Ross; Absent: Carroll.

Council Chair Spatz announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

**READING OF THE MINUTES**

Hornung Having been appointed to read the minutes of the City Council proceedings of June 21, reported having done so, found same correct. Seconded by Snyder & carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Carroll.

**PUBLIC HEARING**

Amending Title 3 of the Lincoln Municipal Code Relating to Revenue and Finance by adding a new Chapter 3.28 to provide for the Levy of a Hotel Occupation Tax; to establish definitions; to provide for administration, collections, returns, delinquencies and recovery of unpaid amounts related to the tax; to determine how tax revenue will be used; and to provide a sunset provision for the tax.

Amending Title 3 of the Lincoln Municipal Code relating to Revenue and Finance by adding a new Chapter 3.26 to provide for the Levy of a Car Rental Occupation Tax; to establish definitions; to provide for administration, collections, returns, delinquencies and recovery of unpaid amounts related to the tax; to determine how tax revenue will be used; and to provide a sunset provision for the tax.

Amending Title 3 of the Lincoln Municipal Code relating to Revenue and Finance by adding a new Chapter 3.30 to provide for the Levy of a Restaurant Occupation Tax; to establish definitions; to provide for administration, collections, returns, delinquencies and recovery of unpaid amounts related to the tax; to determine how tax revenue will be used; and to provide a sunset provision for the tax. Dan Marvin, Arena Consultant, came forward to explain that these three items are a part of the package to pay for the Arena. He said there will be a 4% occupation tax on hotel stays; 4% occupation tax on car rentals; and 2% occupation tax on bar & restaurant activities. In response to group input from organizational meetings last fall, Mr. Marvin said the ordinance has been refined by the following: implement a credit for early payment; tighten language on the sunset provision; and prescribe an audit & potential reduction/adjustment in the occupation tax.

Kyle Fischer, Chamber of Commerce, 1135 M St., came forward in support and to express appreciation to Dan Marvin for his efforts to communicate with members of the industry leading up to and following the Arena vote. He submitted a letter of support from the Young Professionals Group which comprises a large proportion of the City's population that patronizes many of these establishments.

Steve Huggenberger, Asst. City Attorney, was on hand for questioning. Don Herz, City Finance Director, was on hand for questioning. This matter was taken under advisement.

Amending Chapter 3.24 of the Lincoln Municipal Code relating to Occupation Taxes by Amending Section 3.24.080, Telecommunication Occupation Tax, to define in more detail that the telecommunication occupation tax applies to all telecommunication services, including the provision of equipment, and to make the occupation tax applicable to all businesses selling telecommunication equipment; amending Section 3.24.090 to provide when the telecommunication occupation tax from all businesses are due and to authorize the quarterly compounding of interest for late payments; amending Section 3.24.100 to require monthly statements be submitted by all businesses paying the occupation tax and to provide for audits and access to records; and amending Section 3.24.160 to eliminate the requirement that the city treasurer direct the city attorney to bring suit for unpaid taxes - Steve Huggenberger, Asst. City Attorney, came forward to present background on language changes in the ordinance. He said audits were begun on several telecommunication companies back in 2007 to determine whether or not they were paying the appropriate amount of occupation taxes. It was determined that those telecoms were not paying occupation taxes on a variety of revenues encompassed within the occupation tax ordinance. While
working through those court disputes, Mr. Huggenberger said City Council &
Administration requested clarification of the ordinance. He said there is more
detail as to what is subject to the telecommunication tax, clarifying that
service encompasses all aspects of service from installation to ancillary
services and that all telecommunication equipment is included. He said
he did so upon discussions with the audited telecomms, a fact was revealed that the tax did not
apply to a variety of retailers selling telecommunication equipment. He said
language now applies to all retailers of telecommunication equipment as
well as to businesses selling telecommunication services. Additional language
authorizes interest for late payments of the tax to be compounded quarterly; it
authorizes the cost of audits to be recouped when the deficiencies are greater
than 3%; it authorizing access to records when doing audits; and lastly,
language has stricken the requirement of the City Treasurer having to direct the
City Attorney to bring action to recoup the taxes.

Steve Meradith, Vice President of State Government Affairs for Windstream
Nebraska, Inc., 1440 M St., came forward to state that occupation taxes must be
uniform as to class upon which they are imposed. He said if the
City intends to impose a 6% occupation tax on gross receipts from sale of
telecommunication equipment, then the tax must be collected and remitted by all
entities that realize gross receipts from the sale of telecommunication
equipment. He urged Council to add clarifying language to the ordinance that
will not impose a tax on a tax. He said access charge language was unclear and
it would be impermissible to twice impose a tax - once on the access as a
component of the service; twice, for example as AT&T collects on long distance
service. Mr. Meradith suggested a meeting between Windstream and representatives
of the City and other interested parties to discuss and reach agreement on
revision of the proposed amendments to provide the clarity that is needed.

Curt Brown, Government Relations Representative for Verizon Wireless,
came forward to state his company shares a lot of the same concerns as
Windstream. He said the increase from 7% to 13% tax on the purchase of a phone
is tremendous. Taxes placed on tobacco and alcohol exist as a way to discourage
their use. He said the telecommunication occupation tax is not a broad tax such
as a property, sales or an income tax; but, rather a focused tax on those who
depend on telecommunications for a living or for convenience. Mr. Brown said it
would be very easy to purchase telecommunication products online or outside of
Lincoln.

William J. Mueller, 530 S. 13th St., Suite 110, came forward representing
AT&T to comment on the telecommunication occupation tax. He advised Council to
make sure access charges will not be billed multiple times. He expressed
concerns of penalty provisions.

Jim Otto, 6903 Rexford Dr., came forward as President of the Nebraska Retail Federation to comment on points of interest: defining equipment; impact
of the 6% tax on the actual market in Lincoln vs. Omaha or online; and the unfairness of collecting fees at point of sale.

Kathy Siefken, 5631 Coyote Circle, came forward as Executive Director of the Nebraska Grocery Industry Association, to comment on the inequities of the
collection of the tax. Ms. Siefken said she understands the City’s budget shortfall. She gave the example of the recent Council decision that would have
allowed alcohol sales on Sunday, July 4th - a tax people are willing to pay.

This matter was taken under advisement.

Accepting the report of new and pending claims against the City and approving
disposition of claims set forth for the period of June 1 - 15, 2010 - Rod M.
Confer, City Attorney, came forward to present three sewer backup claims from a
prior meeting which had additional information. Following claimants’ responses,
negligence was not established on the part of the City so recommendation was for
denial.

Dennis Cooper, 1919 Fairfield St., came forward to state that he felt
that the sewage line was a problem area and should have been maintained more
timely.

Beni Cooper, 1919 Fairfield St., came forward to state the City was
negligent in the response time to her sewer backup phone call. In response to
Council Member Camp’s question of the missing dollar amount, Ms. Cooper said the
total amount was $15,155.62.

Nerissa Ahern, 1820 N. 24th St., came forward requesting Council to
override denial of her sewer backup claim. She said she was not responsible for
household grease discovered in the line a mile from her house.
Mr. Confer came forward to state the claims were analyzed and could only be paid if it was determined that negligence was shown on the part of the City. He explained that while some sewer backup claims were paid in the past, each situation is different.

Council Chair Spatz clarified with City Law that claims such as these start at the City level, and upon denial the claimant has an opportunity to appeal the decision at the District Court of Lancaster County. This matter was taken under advisement.

APPROVING THE 2010 - 2012 STRATEGIC PLAN FOR COMMUNITY DEVELOPMENT STRATEGIES TO BE CARRIED OUT IN LINCOLN;
APPROVING THE FISCAL YEAR 2010 ACTION PLAN: ONE YEAR USE OF FUNDS FOR HUD ENTITLEMENT PROGRAMS - David Landis, Director of Urban Development, came forward to clarify that before census data is collected his department prefers to use a narrow frame of reference; hence, the three-year plan. Once the census data is collected they implement a five-year timing line. He said resources in the CDBG area amount to $1,900,000; for housing funds, $1,200,000. Mr. Landis said the #1 priority in Lincoln is affordable housing, while other areas include sustainability, food security, increasing neighborhood livability, transportation and jobs.
Wynn Hjermstad, Urban Development, was on hand for questioning.
Steve Werthmann, Urban Development, was on hand for questioning.
This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING JASON CHRISTENSON TO THE AUDIT ADVISORY BOARD FOR A THREE-YEAR TERM EXPIRING MARCH 1, 2013 - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:
A-85908 BE IT RESOLVED by the City Council of the City of Lincoln, Nebras: That the appointment of Jason Christenson to the Audit Advisory Board for a three-year term expiring March 1, 2013, is hereby approved. Introduced by Adam Hornung Seconded by Snyder & carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Carroll.
CLERK’S LETTER AND MAYOR’S APPROVAL OF RESOLUTIONS AND ORDINANCES PASSED BY THE CITY COUNCIL ON JUNE 14, 2010 - CLERK presented said report which was placed on file in the Office of the City Clerk. (27-1)

PETITIONS & COMMUNICATIONS - NONE

LIQUOR RESOLUTIONS - NONE

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required)

AMENDING TITLE 3 OF THE LINCOLN MUNICIPAL CODE RELATING TO REVENUE AND FINANCE BY ADDING
A NEW CHAPTER 3.28 TO PROVIDE FOR THE LEVY OF A HOTEL OCCUPATION TAX; TO ESTABLISH DEFINITIONS; TO PROVIDE FOR ADMINISTRATION, COLLECTIONS, RETURNS, DELINQUENCIES AND RECOVERY OF UNPAID AMOUNTS RELATED TO THE TAX; TO DETERMINE HOW TAX REVENUE WILL BE USED; AND TO PROVIDE A SUNSET PROVISION FOR THE TAX - CLERK read an ordinance, introduced by Adam Hornung, amending Title 3 of the Lincoln Municipal Code relating to Revenue and Finance by adding a new Chapter 3.28 to provide for the levy of a hotel occupation tax; to establish definitions; to provide for administration, collections, returns, delinquencies and recovery of unpaid amounts related to the tax; to determine how tax revenue will be used; and to provide a sunset provision for the tax, the second time.

AMENDING TITLE 3 OF THE LINCOLN MUNICIPAL CODE RELATING TO REVENUE AND FINANCE BY ADDING
A NEW CHAPTER 3.26 TO PROVIDE FOR THE LEVY OF A CAR RENTAL OCCUPATION TAX; TO ESTABLISH DEFINITIONS; TO PROVIDE FOR ADMINISTRATION, COLLECTIONS, RETURNS, DELINQUENCIES AND RECOVERY OF UNPAID AMOUNTS RELATED TO THE TAX; TO DETERMINE HOW TAX REVENUE WILL BE USED; AND TO PROVIDE A SUNSET PROVISION FOR THE TAX - CLERK read an ordinance, introduced by Adam Hornung, amending Title 3 of the
Lincoln Municipal Code relating to Revenue and Finance by adding a new Chapter 3.26 to provide for the levy of a car rental occupation tax; to establish definitions; to provide for administration, collections, returns, delinquencies and recovery of unpaid amounts related to the tax; to determine how tax revenue will be used; and to provide a sunset provision for the tax, the second time.

AMENDING TITLE 3 OF THE LINCOLN MUNICIPAL CODE RELATING TO REVENUE AND FINANCE BY ADDING A NEW CHAPTER 3.30 TO PROVIDE FOR THE LEVY OF A RESTAURANT OCCUPATION TAX; TO ESTABLISH DEFINITIONS; TO PROVIDE FOR ADMINISTRATION, COLLECTIONS, RETURNS, DELINQUENCIES AND RECOVERY OF UNPAID AMOUNTS RELATED TO THE TAX; TO DETERMINE HOW TAX REVENUE WILL BE USED; AND TO PROVIDE A SUNSET PROVISION FOR THE TAX - CLERK read an ordinance, introduced by Adam Hornung, amending Title 3 of the Lincoln Municipal Code relating to Revenue and Finance by adding a new Chapter 3.30 to provide for the levy of a restaurant occupation tax; to establish definitions; to provide for administration, collections, returns, delinquencies and recovery of unpaid amounts related to the tax; to determine how tax revenue will be used; and to provide a sunset provision for the tax, the second time.

AMENDING CHAPTER 3.24 OF THE LINCOLN MUNICIPAL CODE RELATING TO OCCUPATION TAXES BY AMENDING SECTION 3.24.080, TELECOMMUNICATION OCCUPATION TAX, TO DEFINE IN MORE DETAIL THAT THE TELECOMMUNICATION OCCUPATION TAX APPLIES TO ALL TELECOMMUNICATION SERVICES, INCLUDING THE PROVISION OF EQUIPMENT, AND TO MAKE THE OCCUPATION TAX APPLICABLE TO ALL BUSINESSES SELLING TELECOMMUNICATION EQUIPMENT; AMENDING SECTION 3.24.090 TO PROVIDE WHEN THE TELECOMMUNICATION OCCUPATION TAX FROM ALL BUSINESSES ARE DUE AND TO AUTHORIZE THE QUARTERLY COMPOUNDING OF INTEREST FOR LATE PAYMENTS; AMENDING SECTION 3.24.100 TO REQUIRE MONTHLY STATEMENTS BE SUBMITTED BY ALL BUSINESSES PAYING THE OCCUPATION TAX AND TO PROVIDE FOR AUDITS AND ACCESS TO RECORDS; AND AMENDING SECTION 3.24.160 TO ELIMINATE THE REQUIREMENT THAT THE CITY TREASURER DIRECT THE CITY ATTORNEY TO BRING SUIT FOR UNPAID TAXES - CLERK read an ordinance, introduced by Adam Hornung, amending Chapter 3.24 of the Lincoln Municipal Code relating to Occupation Taxes by amending Section 3.24.080, Telecommunication Occupation Tax, to define in more detail that the telecommunication occupation tax applies to all telecommunication services, including the provision of equipment, and to make the occupation tax applicable to all businesses selling telecommunication equipment; amending Section 3.24.090 to provide when the telecommunication occupation tax from all businesses are due and to authorize the quarterly compounding of interest for late payments; amending Section 3.24.100 to require monthly statements be submitted by all businesses paying the occupation tax and to provide for audits and access to records; amending Section 3.24.160 to eliminate the requirement that the City Treasurer direct the City Attorney to bring suit for unpaid taxes; and repealing Sections 3.24.080, 3.24.090, 3.24.100, and 3.24.160 of the Lincoln Municipal Code as hitherto existing, the second time.

PUBLIC HEARING - RESOLUTIONS

ACCEPTING THE REPORT OF NEW AND PENDING CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH FOR THE PERIOD OF JUNE 1 - 15, 2010 - PRIOR to reading:

EMERY Moved to amend Bill No. 10R-143 in the following manner:
On line 10, the claim of Dennis K. & Beni Cooper in an unspecified amount should be amended to state an amount of $35,155.62.
Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Carroll.

CLERK Read the following resolution, introduced by Adam Hornung, who moved its adoption:
A-85909
BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated June 16, 2010, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. § 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

DENIED CLAIMS $35,155.62
Dennis K. & Beni Cooper Farm Bureau Financial

ALLOWED/SETTLED CLAIMS $4,728.16
Jeffery & Nerissa Ahern Services (Claim No. 0000299147)
Islamic Foundation of $6,428.80
Lincoln 61,810.84

*No amount specified
The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Adam Hornung
Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Carroll.

APPROVING THE 2010 - 2012 STRATEGIC PLAN FOR COMMUNITY DEVELOPMENT STRATEGIES TO BE CARRIED OUT IN LINCOLN - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

WHEREAS, the City of Lincoln, Nebraska, acting by and through the Mayor as the Chief Executive Officer and the City Council as the Legislative body of this City, with full citizen participation with reference thereto and in full compliance with the U.S. Department of Housing and Urban Development requirements, has prepared the 2010 - 2012 Strategic Plan for HUD Entitlement Programs under the provisions of 24 C.F.R., Part 91, et al.; and

WHEREAS, such plan includes the proposed community development activities and community development objectives, all prepared in full compliance with the requirements, instructions, and recommendations contained in the Community Development Block Grant and Home Investment Partnership Act; and

WHEREAS, such plan and the items contained therein and each of them appear to be in the best interest of the City of Lincoln, Nebraska; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the aforesaid Strategic Plan will be submitted to the Housing and Urban Development in accordance with 24 C.F.R., Part 91 and in accordance with the instructions prescribed by HUD, and each and every item included therein is hereby approved. The Mayor and other City officials charged with responsibilities pertinent to the proposed certifications are hereby authorized to execute said certifications for and on behalf of the City of Lincoln, Nebraska, and the Mayor is hereby authorized and directed to execute said statement for and on behalf of the City of Lincoln, Nebraska, to submit same to the Secretary of Housing and Urban Development, or his designate, in the form and substance as required by the Community Development Block Grant and Home Investment Partnership Act, and to supplement such Strategic Plan in any way reasonably required by the Department of Housing and Urban Development to expedite approval of the same.

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska, hereby assures and certifies that it will comply with the regulations, policies, guidelines, and requirements of Federal Management Circulars 74-4 and 74-7 and OMB Circular A-87 and 24 Code of Federal Regulations, Part 85, as they relate to the Strategic Plan, acceptance and use of federal funds for these federally-assisted programs.

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska, hereby assures and certifies with respect to the Strategic Plan that:

1. It possesses legal authority to make a grant submission and to execute the proposed community development and housing program.

2. The City will affirmatively further fair housing.

3. The City has in effect and is following a residential anti-displacement and relocation assistance plan.

4. The City will continue to provide a drug-free workplace required by 24 CFR Part 21, Subpart F by:
   a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
   b. Establishing an ongoing drug-free awareness program to inform employees about:
      i. The dangers of drug abuse in the workplace;
      ii. The grantee's policy of maintaining a drug-free workplace;
      iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
      iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
   c. Making it a requirement that each employee be engaged in the performance of the grant be given a copy of the statement required by sub-paragraph (1)
d. Notifying the employee in the statement required by subparagraph (a) that, as a condition of employment under the grant, the employee will:
   i. Abide by the terms of the statement; and
   ii. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction; 

e. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.ii. from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designed on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant; 

f. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.ii., with respect to any employee who is so convicted
   i. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
   ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency; 

g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of subparagraphs a, b, c, d, e, and f. 

5. The City will comply with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms if required by that part. The City further certifies that to the best of the City’s knowledge and belief:

a. No federal appropriated funds have been paid or will be paid, by or on behalf of the City, to any person for influencing or attempting to influence any officer or employee of an agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement; 

b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence any officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions; and 

c. The City will require that the language of paragraph 4 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. 

6. The City possesses legal authority under state and local law to make a grant submission and to carry out the proposed community development and housing program for which it is seeking funding in accordance with applicable HUD regulations. By passage of this resolution, the Mayor, as the official representative of the City of Lincoln is hereby authorized to submit the Strategic Plan, including all the understandings and assurances contained therein. Further the Mayor is hereby directed and authorized to act in connection with the submission of the Strategic Plan and to provide such additional information as may be required. 

7. The housing activities to be undertaken with CDBG and HOME are consistent with the City’s strategic plan. 

8. The City will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, as required under 24 C.F.R. § 570.606(b) and Federal implementing regulations; and the requirements in 24 C.F.R. § 570.606(c)
governing the residential antidisplacement and relocation assistance plan under
Section 104(d) of the Act (including a certification that the grantee is
following such a plan); and the relocation requirements of 24 C.F.R. §
570.606(d) governing optional relocation assistance under Section 105(a)(11) of
the Act.

9. The City will comply with Section 3 of the Housing and Urban
Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR
Part 135.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assures and
certifies with respect to the Community Development Block Grant program portion
of the Strategic Plan:

1. The City is in full compliance and following a detailed citizen
participation plan that satisfies the requirement of 24 CFR § 91.105 and which:
   a. Provides for and encourages citizen participation, with
      particular emphasis on participation by persons of low and moderate income who
      are residents of slum and blighted areas and of areas in which funds are
      proposed to be used, provides for participation of residents in low and
      moderate income neighborhoods as defined by the City;
   b. Provides citizens with reasonable and timely access to local
      meetings, information, and records relating to the City’s proposed use of funds,
      as required by the regulations of the Secretary, and relating to the actual use
      of funds under the Act;
   c. Provides for technical assistance to groups representative
      of persons of low and moderate income that request such assistance in developing
      proposals with the level and type of assistance to be determined by the grantee;
   d. Provides for public hearings to obtain citizen views and to
      respond to proposals and questions at all stages of the community development
      program, including at least the development of needs, the review of proposed
      activities, and review of program performance, which hearings shall be held
      after adequate notice, at times and locations convenient to potential or actual
      beneficiaries, and with accommodation for the handicapped;
   e. Provides for a timely written answer to written complaints
      and grievances, within 15 working days where practicable; and
   f. Identifies how the needs of non-English speaking residents
      will be met in the case of public hearings where a significant number of non-
      English speaking residents can be reasonably expected to participate;

2. The City’s strategic housing and community development plan
identifies community development and housing needs and specifies both short-term
and long-term community development objectives that have been in accordance with
the primary objective of the statute authorizing the CDBG Program, as described
in 24 CFR 570.2 and the requirements of 24 CFR Part 91 Subpart C and 24 CFR Part
570.

3. The City is following a current HUD approved consolidated plan.

4. The City has developed its final statement of projected use of
funds so as to give maximum feasible priority to activities which benefit low
and moderate income families or aid in the prevention or elimination of slums or
blight; (the final statement of projected use of funds may also include activi-
ties which the grantee certifies are designed to meet other community develop-
ment needs having a particular urgency because existing conditions pose a
serious and immediate threat to the health or welfare of the community, and
other financial resources are not available); except that the aggregate use of
CDBG funds received under Section 106 of the Act and, if applicable, under
Section 108 of the Act, during program years 2010, 2011 and 2012 shall
principally benefit persons of low and moderate income in a manner that ensures
that not less than 70 percent of such funds are used for activities that benefit
such persons during such period.

The City will not attempt to recover any capital costs of public
improvements assisted in whole or in part with funds provided under Section 106
of the Act or with amounts resulting from a guarantee under Section 108 of the
Act by assessing any amount against properties owned and occupied by persons of
low and moderate income, including any fee charged or assessment made as a
condition of obtaining access to such public improvements, unless:

a. Funds received under Section 106 of the Act are used to pay
   the proportion of such fee or assessment that relates to the capital costs of
   such public improvements that are financed from revenue sources other than under
   Title I of the Act; or
b. For purposes of assessing any amount against properties
   owned and occupied by persons of moderate income, the City certifies to the
   Secretary that it lacks sufficient funds received under Section 106 of the Act
to comply with the requirements of subparagraph (a) above.
5. The City has adopted and is enforcing:
   a. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
   b. A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

6. The City will conduct and administer the grant in compliance with Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 42 U.S.C. 2000d et seq.), the Fair Housing Act (42 U.S.C. 3601-19), and implementing regulations.

7. The City’s notification, inspection, testing and abatement procedures concerning lead-based paint will comply with 24 C.F.R. § 570.608.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assumes and certifies with respect to the HOME program portion of the Strategic Plan that:

1. The tenant-based assistance is an essential element of its strategic plan;
2. The City is using and will use HOME funds for eligible activities and costs, as described in §§ 92.205 through 92.209 of 24 C.F.R. Subtitle A, and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214 of 24 C.F.R. Subtitle A;
3. Before committing funds to a project, the City will evaluate the project in accordance with guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other federal assistance than is necessary to provide affordable housing.

Approved by Adam Hornung
Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Carroll.

APPROVING THE FISCAL YEAR 2010 ACTION PLAN: ONE YEAR USE OF FUNDS FOR HUD ENTITLEMENT PROGRAMS - CLERK read the following resolution, introduced by Adam Hornung, who moved its adoption:

A-85911 WHEREAS, the City of Lincoln, Nebraska, acting by and through the Mayor as the Chief Executive Officer and the City Council as the Legislative body of this City, with full citizen participation with reference thereto and in full compliance with the U.S. Department of Housing and Urban Development requirements, has prepared the City of Lincoln FY 2010 first ProgramYear Action Plan outlining the activities and initiatives for Urban Development for CDBG and HOME entitlement funds from HUD Entitlement Programs under the provisions of 24 C.F.R., Part 91, et al.; and
WHEREAS, such plan includes the proposed community development activities and community development objectives, all prepared in full compliance with the requirements, instructions, and recommendations contained in the Community Development Block Grant Regulations and HOME Investment Partnerships Act Regulations; and
WHEREAS, such plan and the items contained therein and each of them appear to be in the best interest of the City of Lincoln, Nebraska; and
WHEREAS, certain assurances must be incorporated into the City of Lincoln's FY 2010 Action Plan, as prescribed in the Community Development Block Grant Regulations and HOME Investment Partnerships Act Regulations and 24 C.F.R., Part 91.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the FY 2010 Action Plan, a copy of which is attached hereto, is hereby approved and the Mayor is authorized to submit the FY 2010 Action Plan to the Department of Housing and Urban Development for total grants for Fiscal Year 2010 in the amount of $3,125,604 ($1,913,702 CDBG and $1,211,902 HOME) under the provisions of Title I of the Housing and Community Development Act of 1974, as amended, Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, Title IV of Subtitle B of the Stewart B. McKinney Homeless Assistance Act of 1988, as amended, and each and every item included therein is hereby approved. The Mayor and other City officials charged with responsibilities pertinent to the proposed certifications are hereby authorized to execute said certifications for and on behalf of the City of Lincoln, Nebraska, and the Mayor is hereby authorized and directed to execute said statement for and on behalf of the City of Lincoln, Nebraska, to submit same to the Secretary of Housing and Urban Development, or his designee, in the form...
and substance as required by the Community Development Block Grant Regulations and HOME Investment Partnerships Act Regulations, and to supplement such Action Plan in any way reasonably required by the Department of Housing and Urban Development to expedite approval of the same.

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska, hereby assures and certifies that it will comply with the regulations, policies, guidelines, and requirements of Federal Management Circulars 74-4 and 74-7 and OMB Circular A-87 and 24 Code of Federal Regulations, Part 85, as they relate to the Action Plan, acceptance and use of Federal funds for the City's federally-assisted programs:

BE IT FURTHER RESOLVED that the City of Lincoln, Nebraska hereby assures and certifies with respect to the FY 2010 Action Plan that:

1. The City will affirmatively further fair housing.
2. The effect and is following a residential anti-displacement and relocation assistance plan.
3. The City will continue to provide a drug-free workplace by:
   a. Establishing an ongoing drug-free awareness program to inform employees about -
   i. The dangers of drug abuse in the workplace;
   ii. The grantee's policy of maintaining a drug-free workplace;
   iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
   iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
   b. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by subparagraph (a); and
   c. Notifying the employee in the statement required by subparagraph (a), that, as a condition of employment under the grant, the employee will:
      i. Abide by the terms of the statement; and
      ii. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
   d. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph d.ii. from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designed on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
   e. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph d.iii., with respect to any employee who is so convicted -
      i. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
      ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;
   f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of subparagraphs a, b, c, d, e, and f.
4. The City will comply with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms if required by that part. The City further certifies that to the best of the City's knowledge and belief:
   a. No federal appropriated funds have been paid or will be paid, by or on behalf of the City, to any person for influencing or attempting to influence any officer or employee of an agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement;
b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

c. The City will require that the language of paragraph 4 of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

5. The City possesses legal authority under state and local law to make a grant submission and to carry out the proposed community development and housing program for which it is seeking funding in accordance with applicable HUD regulations. By passage of this resolution, the Mayor, as the official representative of the City of Lincoln is hereby directed and authorized to act in connection with the submission of the Action Plan and to provide such additional information as may be required.

6. The City's strategic housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that have been in accordance with the primary objective of the statute authorizing the CDBG Program, as described in 24 CFR § 570.2 and the requirements of 24 CFR Part 91 Subpart C and 24 CFR Part 570.
3. The City is following a current HUD approved consolidated plan. The City has developed its final statement of projected use of funds so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight; (the final statement of projected use of funds may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available), except that the aggregate use of CDBG funds received under Section 106 of the Act and, if applicable, under Section 108 of the Act, during program year 2008 shall principally benefit persons of low and moderate income in a manner that ensures that not less than 70 percent of such funds are used for activities that benefit such persons during such period.

The City will not attempt to recover any capital costs of public improvements assisted in whole or in part with funds provided under Section 106 of the Act or with amounts resulting from a guarantee under Section 108 of the Act by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless:

a. Funds received under Section 106 of the Act are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under Title I of the Act; or

b. For purposes of assessing any amount against properties owned and occupied by persons of moderate income, the City certifies to the Secretary that it lacks sufficient funds received under Section 106 of the Act to comply with the requirements of subparagraph (1) above.

5. The City has adopted and is enforcing:
   a. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
   b. A policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction.

6. The City will conduct and administer the grant in compliance with Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 42 U.S.C. 2000d et seq.), the Fair Housing Act (42 U.S.C. 3601-19), and implementing regulations.

7. The City’s notification, inspection, testing and abatement procedures concerning lead-based paint will comply with 24 C.F.R. § 570.608.

8. The City will comply with all applicable law.

BE IT FURTHER RESOLVED that the City of Lincoln hereby assumes and certifies with respect to the HOME program portion of the FY 2010 Action Plan that:

1. The City is using and will use HOME funds for eligible activities and costs, as described in §§ 92.205 through 92.209 of 24 C.F.R., Subtitle A, and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214 of 24 C.F.R. Subtitle A;

2. Before committing funds to a project, the City will evaluate the project in accordance with guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other federal assistance than is necessary to provide affordable housing.

Introduced by Adam Hornung
Seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Carroll.
AND APPROXIMATELY 176,000 SQUARE FEET OF COMMERCIAL FLOOR AREA INCLUDING AN 86 ROOM HOTEL IN THE UNDERLYING B-2 ZONED AREA - CLERK read an ordinance, introduced by Jayne Snyder, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

AMENDING CHAPTER 6.02 OF THE LINCOLN MUNICIPAL CODE RELATING TO ANIMALS, DEFINITIONS, BY AMENDING SECTION 6.02.030 TO INCLUDE "FOWL" IN THE DEFINITION OF "ANIMAL"; AMENDING SECTION 6.02.130 TO AMEND THE DEFINITION OF "CHIEF ANIMAL CONTROL OFFICER" TO PROVIDE THAT SAID INDIVIDUAL SHALL HAVE THE RESPONSIBILITY AND AUTHORITY FOR ENFORCING ALL PROVISIONS OF TITLE 6 OF THE LINCOLN MUNICIPAL CODE; AMENDING SECTION 6.02.160 TO MORE FULLY DEFINE "DANGEROUS DOG"; ADDING A NEW SECTION NUMBERED 6.02.365 TO PROVIDE A DEFINITION FOR "SERVICE ANIMAL"; PROVISIONS FOR CHAPTER 6.04 OF THE LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Jayne Snyder, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the Lincoln Municipal Code, as provided by Section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, the first time.

The above text is a natural language representation of the document content. It is a legal document that amends various sections of the Lincoln Municipal Code related to animal control and the definitions of different animal terms. The amendments include changes to the definitions of terms like "dangerous dog," "service animal," and "fowl," as well as the creation of new sections to provide more clarity and authority in enforcing animal control regulations. The document also includes provisions for enforcing all provisions of Title 6 of the Lincoln Municipal Code and amending the definitions of various animal-related terms to better align with the city's regulations. The amendments are intended to strengthen the city's ability to manage and control animals within its jurisdiction.
amending Section 6.04.260 to increase the minimum depth at which dead animals must be buried; amending Section 6.04.315 to increase the Director's authority to inspect, care for, and impound animals showing signs of abuse or neglect; adding a new section numbered 6.04.355 to make it unlawful for the owner of any animal to allow said animal to kill, bite, or attack any human being or domestic animal; to amend Section 6.04.360 to change language associated with declaring an animal vicious; amending Section 6.04.400 to make it unlawful to provide false information to the Director or an Animal Control Officer regarding an animal; amending Section 6.04.435 to repeal the specific penalty provisions of this section; adding a new section numbered 6.04.437 to create a definition and process for declaring that someone is an “Irresponsible Animal Owner”; amending Section 6.04.440 to change the general penalty provisions for Chapter 6.04 of the Lincoln Municipal Code; and repealing Sections 6.04.020, 6.04.120, 6.04.130, 6.04.140, 6.04.150, 6.04.260, 6.04.315, 6.04.350, 6.04.400, 6.04.425, 6.04.440 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 6.08 OF THE LINCOLN MUNICIPAL CODE RELATING TO DOGS BY AMENDING SECTION 6.08.020 AND 6.08.030 TO REMOVE THE SPECIFIC PENALTY PROVISIONS FOR THESE SECTIONS; AMENDING SECTION 6.08.060 TO INCREASE THE LICENSE FEE FOR ALL DOGS TO $50.00; AMENDING SECTIONS 6.08.065 TO REQUIRE REIMBURSEMENTS TO QUALIFY AS A SERVICE DOG AND LICENSE EXEMPTION; REPEALING SECTIONS 6.08.090 (REVOCATION OF LICENSE), 6.08.130 (DOGS RUNNING AT LARGE), 6.08.160 (BARKING, HOWLING OR YELPING DOGS), 6.08.260 (HOLDING IMPounded DOGS), 6.08.265 (SHelter FEE; RELEASE FROM SHELTER), AND 6.08.280 (IMPOUNDING TIME LIMIT) IN THEIR ENTIRETY AS SAID PROVISIONS ARE CUMULATIVE WITH OTHER SECTIONS OF TITLE 6 OF THE LINCOLN MUNICIPAL CODE; AMENDING SECTION 6.08.350 TO CHANGE THE MINIMUM PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF CHAPTER 6.08 OF THE LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Jayne Snyder, amending Chapter 6.08 of the Lincoln Municipal Code relating to Dogs by amending Section 6.08.020 and 6.08.030 to remove the specific penalty provisions for these sections; amending Section 6.08.060 to increase the license fee for all dogs to $50.00; repealing Section 6.08.065 related to requirements to qualify as a service dog and license exemption; repealing Sections 6.08.090 (Revocation of License), 6.08.130 (Dogs Running at Large), 6.08.160 (Barking, Howling or Yelping Dogs), 6.08.260 (Holding Impounded Dogs), 6.08.265 (Shelter Fee; Release from Shelter), and 6.08.280 (Impounding Time Limit) in their entirety as said provisions are cumulative with other sections of Title 6 of the Lincoln Municipal Code; amending Section 6.08.350 to change the minimum penalties for violations of the provisions of Chapter 6.08 of the Lincoln Municipal Code; and repealing Sections 6.08.020, 6.08.030, 6.08.060, 6.08.350 of the Lincoln Municipal Code as hitherto existing, the first time.

AMENDING CHAPTER 6.10 OF THE LINCOLN MUNICIPAL CODE RELATING TO DANGEROUS AND POTENTIALLY DANGEROUS DOGS BY AMENDING SECTION 6.10.030 TO CLARIFY LANGUAGE RELATED TO DECLARING A DOG DANGEROUS OR POTENTIALLY DANGEROUS; ADDING A NEW SECTION NUMBERED 6.10.035 TO DEFINE THE DUTIES OF AN OWNER OF A DOG DECLARED DANGEROUS OR POTENTIALLY DANGEROUS; AMENDING SECTION 6.10.040 TO REQUIRE THAT OWNERS OF POTENTIALLY DANGEROUS DOGS REGISTER THEIR DOGS IN THE SAME MANNER REQUIRED OF THE OWNERS OF DANGEROUS DOGS AND TO REQUIRE WRITTEN CONFIRMATION FROM A VETERINARIAN THAT A DANGEROUS OR POTENTIALLY DANGEROUS DOG IS MICROCHIPPED; ADDING A NEW SECTION NUMBERED 6.10.045 TO MAKE IT UNLAWFUL TO PROHIBIT PERSONS FROM KEEPING A DOG WITHIN THE CONFINED LIMITS OF THE CITY OF LINCOLN THAT WAS PREVIOUSLY DECLARED POTENTIALLY DANGEROUS OR DANGEROUS BY ANOTHER ANIMAL CONTROL AUTHORITY; AMENDING SECTION 6.10.050 TO CHANGE THE REQUIREMENTS RELATED TO THE CONFINEMENT OF DANGEROUS DOGS; AMENDING SECTION 6.10.070 TO REQUIRE THAT POTENTIALLY DANGEROUS DOGS BE SECURED BY A LEASH AND MUZZLED WHEN SUCH DOG IS IN THE PUBLIC AREAS OF THE CITY; AMENDING SECTION 6.10.080 TO PROVIDE FOR THE CONFINEMENT OF ALL DANGEROUS AND POTENTIALLY DANGEROUS DOGS AT OR ANIMAL CONTROL OFFICE; ADDING A NEW SECTION NUMBERED 6.10.095 TO PROVIDE FOR THE CONFIRMATION OF OWNERSHIP OF DANGEROUS AND POTENTIALLY DANGEROUS DOGS; AMENDING SECTION 6.10.120 TO INCREASE THE MINIMUM PENALTIES FOR VIOLATIONS OF CHAPTER 6.10 OF THE LINCOLN MUNICIPAL CODE - CLERK read an ordinance, introduced by Jayne Snyder, amending Chapter 6.10 of the Lincoln Municipal Code relating to Dangerous and Potentially Dangerous Dogs by amending Section 6.10.030 to clarify language related to declaring a dog dangerous or
potentially dangerous; adding a new section numbered 6.10.035 to define the duties of an owner of a dog declared dangerous or potentially dangerous; amending Section 6.10.040 to require that owners of potentially dangerous dogs register their dogs in the same manner required of the owners of dangerous dogs and to provide written confirmation from a veterinarian that a dangerous or potentially dangerous dog is microchipped; adding a new section numbered 6.10.045 to make it unlawful to remove any marking used for identification from a dangerous or potentially dangerous dog; repealing Section 6.10.050 relating to the registration requirements for potentially dangerous dogs; adding a new section numbered 6.10.055 to prohibit persons from keeping a dog within the corporate limits of the City of Lincoln that was previously declared potentially dangerous or dangerous by another animal control authority; amending Section 6.10.060 to change the requirements related to the confinement of dangerous dogs; amending Section 6.10.070 to require that a potentially dangerous dog be secured by a leash and muzzled when such dog is beyond its owner's property; amending Section 6.10.090 to change the provisions related to when dangerous and potentially dangerous dogs may be confiscated by an Animal Control Officer; adding a new section numbered 6.10.095 to prohibit any person owning a dangerous dog who is convicted of violating Title 6 of the Lincoln Municipal Code from owning another dangerous dog for a period of ten years; amending Section 6.10.110 to clarify language related to appealing a declaration that a dog is potentially dangerous or dangerous; amending Section 6.10.120 to increase the minimum penalties for violations of Chapter 6.10 of the Lincoln Municipal Code; and repealing Sections 6.10.030, 6.10.040, 6.10.060, 6.10.070, 6.10.090, 6.10.110, and 6.10.120 of the Lincoln Municipal Code as hitherto existing, the first time.


ORDINANCES - 3rd READING & RELATED RESOLUTIONS (as required)

AUTHORIZING THE ISSUANCE OF NOT TO EXCEED $22,500,000 PRINCIPAL AMOUNT OF THE CITY OF LINCOLN GENERAL OBLIGATION BOND ANTICIPATION NOTES AND $27,500,000 OF THE CITY OF LINCOLN GENERAL OBLIGATION TAX ANTICIPATION NOTES - CAMP Moved approval of Bill No. 10-58, originally introduced by Eugene Carroll; seconded by Emery.

COOK Moved to amend Bill No. 10-58 by accepting Bill No. 10-58S which is attached hereto as the Substitute ordinance; seconded by Emery & carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Carroll.

CLERK Read a substitute ordinance, introduced by Jonathan Cook, authorizing and providing for the issuance, sale and delivery of (A) General Obligation Bond anticipation notes, Series 2010 in an aggregate principal amount not to exceed $22,500,000 (the "Bond Anticipation Notes") and (B) Tax Anticipation Notes, Series 2010, of the City of Lincoln, Nebraska, in an aggregate principal amount not to exceed $27,500,000 (the "Tax Anticipation Notes"); for the purpose of paying the costs of land acquisition and improvements thereon in connection with constructing, equipping and furnishing a new sports/entertainment arena in the West Haymarket area of the City; prescribing certain terms of the notes; delegating, authorizing and directing the Finance Director to exercise his independent judgment in determining whether disbursement in certain other terms of the notes, providing for the payment of the principal of and interest on (1) the Bond Anticipation Notes from the proceeds of bonds to be issued by or made
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available to the City notes and (2) the Tax Anticipation Notes by the levy of a
tax on all of the taxable property within the City of from other funds made
available to the City; authorizing and approving certain other documents and
actions and related matters, the third time.
FINAl VOTE: Carried by the following: AYES: Camp, Cook, Emery, Hornung, Snyder,
Spatz; NAYS: None; ABSENT: Carroll.
The ordinance, being numbered #19402, is recorded in Ordinance Book #26, Page

AUTHORIZING THE ISSUANCE OF SERIES A AND SERIES B TAX ALLOCATION BONDS WITH A TOTAL
NOT TO EXCEED $2,494 MILLION FOR THE CITY OF LINCOLN, HAYMARKET HOTEL AND TOOL
HOUSE REDEVELOPMENT PROJECT - CLERK read an ordinance, introduced by Doug Emery,
authorizing and providing for the issuance of a City of Lincoln, Nebraska Tax
Allocated Bonds in a principal amount not to exceed $2,494,461 for the purpose of (1) paying the costs of acquiring, purchasing, constructing,
reconstructing, improving, extending, rehabilitating, installing, equipping,
furnishing and completing certain public improvements within the City's
Haymarket Hotel & Tool House Redevelopment project area, including acquiring any
real estate and/or interests in real estate in connection therewith, and (2)
paying the costs of issuance thereof; presenting and disposing of the bond
of the bond; pledging certain tax revenue and other revenue to the payment of
the principal of and interest on the bond as the same become due; limiting
payment of the bond to such tax revenues; creating and establishing funds and
accounts; delegating authorizing and directing the Finance Director to exercise
his independent discretion and judgment in determining and finalizing certain
terms and provisions of the bond not specified herein; taking other actions and
making other covenants and agreements in connection with the foregoing; and
related matters, the third time.
EMERY
Moved to pass the ordinance as read.

Seconded by Hornung & carried by the following vote: AYES: Camp, Cook,
Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Carroll.
The ordinance, being numbered #19403, is recorded in Ordinance Book #26, Page

APPROVING AN AMENDMENT TO THE FY 09/10 CIP TO AUTHORIZE AND APPROPRIATE $2.494 MILLION
IN TIF FUNDS FOR THE HAYMARKET HOTEL AND TOOL HOUSE REDEVELOPMENT PROJECT
GENERALLY LOCATED BETWEEN 8TH AND 9TH, Q AND R STREETS - CLERK read the
following resolution, introduced by Doug Emery, who moved its adoption:
A-85912
WHEREAS, Resolution No. A-85490, adopted by the City Council of Lincoln,
Nebraska on August 24, 2009, adopted the fiscal year 2009-2010 annual budget for
the City of Lincoln and further adopted the Capital Improvement Program attached
to Resolution No. A-88490 as Schedule No. 5; and
WHEREAS, Resolution No. A-85490 appropriated all money received or to be
received from the County of Lancaster, the State of Nebraska, or the United
States, as well as from any grants, donations, or contributions received for
public purposes and the interest thereon notwithstanding any sum limitation set
forth in the annual budget; and
WHEREAS, Resolution No. A-85574 adopted by the City Council for the City
of Lincoln adopted the Haymarket Hotel and Tool House Redevelopment Project as
an approved project within the Lincoln Center Redevelopment Plan; and
WHEREAS, a capital improvement project for the Haymarket Hotel and Tool
House Redevelopment Project was not included within Schedule No. 5 of the Annual
Budget as a capital improvement project to be funded in fiscal year 2009-2010;
and
WHEREAS, the City desires to amend the first year (2009-2010) of the
Fiscal Year 2009/2010 – 2014/2015 Six Year Capital Improvement Program (CIP) to
establish a project for the Haymarket Hotel and Tool House Redevelopment
Project, and establish appropriations for that project; and
WHEREAS, Article IX-B Section 7 of the Lincoln City Charter states that,
"The [city] council shall not appropriate any money in any budget for any
capital improvements project unless and until the conformity or non-conformity
of the project has been reported on by the Planning Department by special report
or in connection with the Capital Improvements Programming process." The
Charter definition of "Planning Department" includes the Planning Commission;
and
WHEREAS, the Lincoln City-Lancaster County Planning Commission has
reviewed the Haymarket Hotel and Tool House Redevelopment Project for conformity
or non-conformity with the Comprehensive Plan, the Lincoln Center Redevelopment
Plan Amendment approved by Resolution No. A-85547; and
WHEREAS, the Planning Commission found the proposed Haymarket Hotel and
Tool House Redevelopment Project to be in conformity with the Comprehensive
Plan.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the implementation of the Haymarket Hotel and Tool House Redevelopment Project to include redevelopment of two existing buildings, an addition to the existing buildings and construction of a new building that together will house hotel, residential and other commercial uses, is hereby established as a capital improvement project within the Capital Improvement Program.

BE IT FURTHER RESOLVED that the Capital Improvement Program on Schedule 5 of Resolution No. A-86490 be amended by adding the Haymarket Hotel and Tool House Redevelopment Project to the Urban Development Department’s list of capital improvement projects on Schedule 5.

BE IT FURTHER RESOLVED that the City Council hereby appropriates and directs the Finance Director to make the necessary adjustments to the annual budget in the amount of $2,494 million to designate $2,494 million from Tax Increment Financing for this Haymarket Hotel and Tool House Redevelopment Project.

Introduced by Doug Emery
Seconded by Hornung & carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Spatz; NAYS: None; ABSENT: Carroll.

APPROVING THE HAYMARKET HOTEL AND TOOL HOUSE REDEVELOPMENT AGREEMENT BETWEEN B&J PARTNERSHIP, LTD. AND THE CITY RELATING TO THE REDEVELOPMENT OF PROPERTY GENERALLY LOCATED BETWEEN 8TH AND 9TH, Q AND R STREETS - PRIOR to reading:

EMERY Moved MTA #1 to Bill No. 10R-139 in Attachment A by substituting the attached page 18 for the original page 18 in Attachment A of the Resolution.

Seconded by Hornung & carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Carroll.

CLERK Read the following amended resolution, introduced by Doug Emery, who moved its adoption; A-85913

BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the attached City of Lincoln Redevelopment Agreement for Haymarket Hotel & Tool House Redevelopment relating to the redevelopment of property generally located between 8th and 9th, Q and R Streets, upon the terms and conditions set forth in said Redevelopment Agreement, which is attached hereto marked as Attachment “A”, is hereby approved and the Mayor is authorized to execute the same on behalf of the City of Lincoln.

The City Clerk is directed to transmit one fully executed original of said Agreement to Rick Peo, Chief Assistant City Attorney, for transmittal to B&J Partnership Ltd.

Introduced by Doug Emery
Seconded by Hornung & carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Carroll.

CHANGE OF ZONE 10011 – AMENDING CHAPTER 27.69 OF THE LINCOLN MUNICIPAL CODE RELATING TO SIGNS BY AMENDING SECTION 27.69.020 TO DELETE THE DEFINITION OF PEDESTRIAN MARQUEE SIGN; AMENDING SECTION 27.69.030 TO AMEND THE GENERAL PROVISIONS TO PROVIDE THAT FOR CENTER SIGNS PERMITTED ON A “PER FRONTAGE” BASIS, FRONTAGE SHALL MEAN THE FRONTAGE OF THE CENTER ADJACENT TO AN ARTERIAL OR COLLECTOR STREET; AND TO DELETE THE GENERAL PROVISION REGARDING PEDESTRIAN MARQUEE SIGNS; AMENDING SECTION 27.69.220 TO ADD AN EXCEPTION TO THE REQUIREMENT THAT A COMPLEX OR SUBDIVISION FREESTANDING SIGN ABUTTING A RESIDENTIAL ZONED LOT MAY NOT BE ILLUMINATED UNLESS LOCATED AT LEAST 100 FEET FROM AN ABUTTING RESIDENTIAL ZONED LOT IF THE ABUTTING RESIDENTIAL ZONED LOT IS USED FOR ANOTHER MULTI-FAMILY USE OR A SPECIAL PERMITTED USE; AND AMENDING SECTION 27.69.340 TO ELIMINATE RESTRICTIONS REGARDING HEIGHT AND ILLUMINATION OF FREESTANDING SIGNS USED FOR OFFICE AND RETAIL USES - CLERK read an ordinance, introduced by Doug Emery, amending Chapter 27.69 of the Lincoln Municipal Code relating to signs by amending Section 27.69.020 to delete the definition of Pedestrian Marquee Sign; amending Section 27.69.030 to amend the general provision to provide that for center signs permitted on a “per frontage” basis, frontage shall mean the frontage of the center adjacent to an arterial or collector street; and to delete the general provision regarding pedestrian marquee signs; amending Section 27.69.220 to add an exception to the requirement that a complex or subdivision freestanding sign abutting a residential zoned lot may not be illuminated unless located at least 100 feet from an abutting residential zoned lot if the abutting residential zoned lot is used for another multi-family use or a special permitted use; amending Section 27.69.340 to eliminate restrictions regarding height and illumination of freestanding signs used for office and retail uses; and repealing Sections 27.69.020, 27.69.030, 27.69.220, and 27.69.340 of the Lincoln Municipal Code as hitherto existing, the third time.
EMERY Moved to pass the ordinance as read.
Seconded by Hornung & carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Carroll.
The ordinance, being numbered #19404, is recorded in Ordinance Book #26, Page 535.

CHANGE OF ZONE 10012 - AMENDING CHAPTER 27.63 OF THE LINCOLN MUNICIPAL CODE RELATING TO SPECIAL PERMITS BY AMENDING SECTION 27.63.680 AND 27.63.685 REGARDING THE SALE OF ALCOHOLIC BEVERAGES FOR CONSUMPTION ON AND OFF THE PREMISES, RESPECTIVELY, TO ADD A REQUIREMENT THAT THE LICENSED PREMISES MUST BE LOCATED NO CLOSER THAN 100 FEET FROM THE PROPERTY LINE OF A PREMISES WHICH IS OCCUPIED IN WHOLE OR PART BY A FIRST-FLOOR RESIDENTIAL USE AND TO CLARIFY THAT THE REQUIRED 100-FOOT SEPARATION FROM A DAY CARE FACILITY, PARK, CHURCH, OR STATE MENTAL INSTITUTION IS MEASURED FROM THE LICENSED PREMISES TO THE PROPERTY LINE OF THE PREMISES USED FOR THE DAY CARE FACILITY, PARK, CHURCH, OR STATE MENTAL HEALTH INSTITUTION - CLERK read an ordinance, introduced by Doug Emery, amending Chapter 27.63 of the Lincoln Municipal Code relating to Special Permits by amending Section 27.63.680 and Section 27.63.685 regarding the sale of alcoholic beverages for consumption on and off the premises, respectively, to add a requirement that the licensed premises must be located no closer than 100 feet from the property line of a premises which is occupied in whole or part by a first-floor residential use and to clarify that the required 100-foot separation from a day care facility, park, church, or state mental institution is measured from the licensed premises to the property line of the premises used for the day care facility, park, church, or state mental health institution; and repealing Sections 27.63.680 and 27.63.685 of the Lincoln Municipal Code as hitherto existing, the third time.

EMERY Moved to pass the ordinance as read.
Seconded by Snyder & carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Carroll.
The ordinance, being numbered #19405, is recorded in Ordinance Book #26, Page 535.

CHANGE OF ZONE 10013 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE BY AMENDING CHAPTER 27.03, DEFINITIONS, TO ADD A NEW SECTION NUMBERED 27.03.162 TO PROVIDE A DEFINITION FOR DATA CENTER AND AMENDING SECTION 27.67.040 TO ESTABLISH PARKING REQUIREMENTS FOR DATA CENTERS - CLERK read an ordinance, introduced by Doug Emery, amending Title 27 of the Lincoln Municipal Code by amending Chapter 27.03, Definitions, to add a new Section numbered 27.03.162 to provide a definition for data center; amending Section 27.67.040 to establish parking requirements for data centers; and repealing Section 27.67.040 of the Lincoln Municipal Code as hitherto existing, the third time.

EMERY Moved to pass the ordinance as read.
Seconded by Snyder & carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Carroll.
The ordinance, being numbered #19406, is recorded in Ordinance Book #26, Page 535.

OPEN MICROPHONE

Jane Svoboda, address not given, came forward to present her researched findings to help with the disorder of Schizophrenia. She compared its symptoms to ergot disease and offered various remedies to achieve a cure.

Teri Pope-Gonzalez, 349 S. 1st St., came forward regarding the ongoing issues with her neighborhood. She questioned if her area could be identified under Mr. Jon Carlson's Stronger Safer Neighborhoods.

MISCELLANEOUS BUSINESS

PENDING -

CAMP Moved to extend the Pending List to July 12, 2010.
Seconded by Hornung & carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Carroll.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on July 12, 2010.
Seconded by Hornung & carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Carroll.
ADJOURNMENT  7:06 P.M.

CAMP  Moved to adjourn the City Council meeting of June 28, 2010.
Seconded by Hornung & carried by the following vote: AYES: Camp, Cook, Emery, Hornung, Snyder, Spatz; NAYS: None; ABSENT: Carroll.

Joan E. Ross, City Clerk

Sandy L. Dubas, Senior Office Assistant